REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 9, 2007 (hereinafter Office Action) have been considered. Claims 1-34 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-6, 8, 14-18, 20-25, 27-32 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wireless Application Group, "User Agent Profile Specification", November 10, 1999 (hereinafter "*WAG*"). Applicants respectfully traverse the rejections. In order to anticipate a claim the reference must teach every element of the claim, and it is respectfully submitted that *WAG* does not meet this standard.

Independent Claims 1, 14, 21, and 28 are directed to, among other things, communicating a capability descriptor from a mobile device/arrangement to a service provider as part of the startup sequence of the mobile device. For example, Claim 1 is directed to initiating a device startup sequence of a mobile computing arrangement and communicating a capability descriptor of the mobile computing arrangement to a service provider entity as part of the startup sequence. A data service targeted for the mobile device is selected based on the capability descriptor communicated to the service provider, and the data service is initiated with the mobile computing arrangement. Applicants respectfully submit that *WAG* at least fails to expressly or inherently show a capability descriptor being communicated as part of a startup sequence.

In the rejection of Claims 1, 14, 21, and 28, the Office Action cites §§ 5.1-5.5 and 6.1 of *WAG* to show initiating a device startup sequence of the mobile computing arrangement and communicating a capability descriptor of the mobile computing arrangement to a service provider entity as part of the startup sequence. Sections 5.1-5.5 describe an architecture for end-to-end specification, delivery, and processing of composite capability of a mobile device in the form of Capability and Preference Information (CPI). Only § 5.1 pertains to mobile clients, and this section states "[t]he CPI consists of information gathered from the device hardware, active user agent software, and user preferences. In many cases, much of this information must be pre-installed directly on the

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device, possibly in the firmware." (*WAG*, § 5.1, ¶ 1). As to the communication of the CPI from the device, *WAG* states "[t]his information is initially conveyed when a WSP session is established with a compliant WAP protocol gateway. The client thereafter assumes that the WAP gateway caches the CPI and will apply it on all requests initiated during the lifetime of the WSP session." (*WAG*, § 5.1, ¶ 2). Therefore, *WAG* only describes the CPI as being communicated from a WSP session established in response to a user data request originating at the device. In particular "[t]he client device is assumed to employ the WAP communications protocols, particularly WSP [WSP], to request content from an origin server. The CPI is transmitted and maintained using designated WSP headers in accordance with this specification (see Section 9)." (*Id.*)

Therefore, *WAG* only describes the communication of the CPI for specific WSP content requests, and *WAG* does not expressly state that the CPI communication is part of a startup sequence of the client device. Nor does *WAG* inherently require that the CPI be communicated as part of a device startup sequence, because *WAG* is entirely silent on any device startup sequences. In particular, *WAG* is silent regarding the establishment of a WSP session as part of a device startup sequence. On the contrary, it is more fair to assume that the WSP sessions are communicated after a device start sequence is completed and after basic network connectivity has been established, at least because the "CPI is scoped to the particular WSP session within which it is transmitted; each of a client's active WSP sessions therefore may be associated with a different set of CPI." (*WAG*, § 5.1, ¶ 3). This excerpt makes clear that the CPI communications discussed in *WAG* are scoped to a particular user data request via WSP, and are not part of a general startup sequence of a device.

Although *WAG* may have other deficiencies, Applicants submit that *WAG* does not anticipate Claims 1, 14, 21, and 28 at least because *WAG* does not expressly or inherently show a capability descriptor being communicated from a mobile device as part of a device startup sequence. Allowance of Claims 1, 14, 21, and 28 is therefore respectfully solicited.

Dependent Claims 2-6 and 8 depend from independent Claim 1; dependent Claims 15-18 and 20 depend from independent Claim 14; dependent Claims 22-25 and 27 depend

from independent Claim 21; and dependent Claims 29-32 and 34 depend from independent Claim 28. These dependent claims also stand rejected under 35 U.S.C. §102(b) as being anticipated by *WAG*. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 14, 21, and 28. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *WAG*. Therefore, dependent Claims 2-6, 8, 15-18, 20, 22-25, 27, 29-32, and 34 are also in condition for allowance.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *WAG* and *Skog* in view of U.S. Publication No. 2005/0060411 by *Coulombe* et al. (hereinafter "*Coulombe*"). Applicants traverse the rejections, at least because *WAG* fails to teach or suggest all the limitations of Claim 1 from which Claim 10 depends, and *Coulombe* does not remedy the deficiencies of *WAG* as it pertains to Claim 1. Further, Applicants invoke 35 U.S.C. § 103(c) to negate the applicability the rejection. Applicants' claimed invention and the subject matter of *Coulombe* were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person as evidenced by the *Coulombe* assignment recorded at Reel/Frame 014834/0230 and the assignment of the present applications recorded at Reel/Frame 015070/0900, showing that the assignee is common. Thus, to the extent that *Coulombe* is directed to subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e), *Coulombe* is disqualified as prior art against Applicant's claimed invention under 35 U.S.C. § 103(c). Withdrawal of the rejection is therefore respectfully solicited.

Claims 7, 9, 11, 19, 26 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *WAG* in view of U.S. Publication No. 2004/0052233 by Skog et al. (hereinafter "*Skog*"). Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *WAG* in view of Open Mobile Alliance, "User Agent Profile", OMA-UAProf-v2_0-20030520-C, May 20, 2003 (hereinafter "*OMA*"). The Applicants respectfully traverse the rejections. To establish a prima facie case of obviousness based on

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a combination of references, the prior art references must at least teach or suggest all of the claim limitations. Applicants submit that combinations of *WAG* with *Skog* and *WAG* with *OMA* fail to teach or suggest all of the limitations of the rejected claims.

For the rejections of Claims 7, 9, 11-13, 19, 26, and 33, the Examiner relies on *WAG* as teaching the substance of the claims from which these claims are dependent, namely, Claims 1, 14, 21, and 28. The Examiner does not rely on *Skog* or *OMA* as providing a remedy to the deficiencies of *WAG* as it pertains to independent Claims 1, 14, 21, and 28 nor do *Skog* and *OMA* provide such a remedy. Combinations of *WAG* with *Skog* and *WAG* with *OMA* fail to teach or suggest the inventions set forth in Claims 1, 14, 21, and 28, as there is at least no reference to communicating a capability descriptor from a mobile device or arrangement as part of a device startup sequence. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 7, 9, 11-13, 19, 26, and 33 are not rendered obvious by the respective combinations of *WAG* with *Skog* and *WAG* with *OMA*, and withdrawal of the rejection is respectfully solicited.
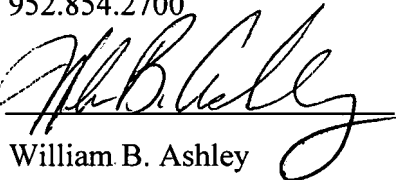
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.073PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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Date: June 26, 2007   By:

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